IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 688 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SANDEEP KESHAVLAL PATEL & 1 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR PR NANAVATI for Applicant(s) : 1 - 2.
MR.SS PATEL APP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,
MR RAJESH K SHAH for Respondent(s) : 2,
MR RAJESH M AGRAWAL for Respondent(s) : 2,
MR AR GUPTA for Respondent(s) : 2,
MR SUNIL M AGRAWAL for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 23/02/2007

ORAL JUDGMENT

1. None present for the petitioners, even as the matter was called out twice during the course of the day.

2. The petitioners have invoked Article 226 of the Constitution and the provisions of Section 482 of the Code of Criminal Procedure, 1973 to pray for setting aside the order dated 29.05.1998 of learned J.M.F.C., Anand in Criminal Case No.3914 of 1997 whereby the accused persons No.1 to 5, including the petitioners, were required to furnish personal bond of Rs.3 lacs and a surety of the like amount with the direction *inter alia* to deposit the passports in the Court. Thus, subject to the conditions, all the accused persons, except accused person No.2, were granted bail by that order which was challenged in revision by the petitioners in Criminal Revision Appeal No.34 of 1998 and the order made therein is also challenged in the present petition. The grievance of the petitioners is that, even as the amount of personal bond and surety to be furnished was reduced to Rs.50,000/-, the petitioners were again directed to deposit their passports and the trial court was directed to conclude the proceedings without delay within six months.

3. It was fairly conceded by learned counsel

Mr.A.R. Gupta, appearing for the respondent, original complainant, that after the aforesaid order dated 16.07.1999 of learned Additional Sessions Judge, Anand in revision, a quashing petition was filed by the petitioners in this Court and it was only recently disposed by this Court. Therefore, the proceedings of the trial court could not be concluded till now and the aforesaid impugned direction to deposit the passports had remained stayed during the pendency of the present proceedings. He, therefore, submitted that expeditious conclusion of the proceedings in the trial court and presence of the accused persons as and when their presence was required in the Court were more important and, if that were ensured, he may not insist upon surrender of the passports by the petitioners.

4. Therefore, in the facts and circumstances, the petition is partly allowed so as to modify the direction to the petitioners to deposit their passports in the Court and substitute that condition by the condition that the petitioners shall remain personally present in the Court as and when required or ordered by the trial court. The remaining conditions and rest of the impugned order dated

16.07.1999 stands with the clarification that the time-limit fixed for conclusion of the proceedings in the trial court shall stand extended till 30.09.2007.

5. Learned advocate Mr.Devang Joshi, appearing with learned advocate Mr.P.R. Nanavati appeared at this stage and fairly stated at the bar that neither the petitioners nor their advocate would cause any unnecessary delay in conclusion of the proceedings before the trial court and shall sincerely co-operate in the earliest possible conclusion of the trial. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(D.H.WAGHELA, J.)

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